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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,462	01/09/2002	Noriyuki Koyama	0717-0488P	2572
2292	7590	06/30/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			DINH, DUC Q	
		ART UNIT	PAPER NUMBER	
		2674	7	

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/040,462	KOYAMA, NORIYUKI	
	Examiner DUC Q DINH	Art Unit 2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 April 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)               |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ .  |

***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-33 of U.S. Patent No. 6,542,161, hereafter 161' in view of Hitchcock (U. S. Patent No. 6,236,390).

In reference to claims 1 and 6, claim 1 of Patent 161' discloses a character display apparatus comprising: a display device having the control section for controlling the display device; each pixel includes plurality of sub-pixels arranged along a predetermined direction.; corresponding one of the color element is pre-assigned to each of the plurality of sub-pixels. The control section displays a character on the display device by independently controlling the color elements respectively corresponding to the sub-pixels; the control section sets a color element level of at least one specific sub-pixel corresponding to a basic portion of a character to be displayed on the display device to a predetermined color element level, and sets a color element level of at least one other sub-pixel adjacent to the at least one particular sub-pixel corresponding to the basic portion of the character to a color element level other than the predetermined color

element level. Koyama does not teach conversion of first bitmap to generate a second bit map, which represents a basic portion of a italic character. Hitchcock discloses a method and apparatus for positioning display characters having a bit map character image representation by the scan conversion which involves sampling image to be represented as a bit map and generating luminous intensity values from the sampled values (col. 12, lines 15-16 and 30-33, Fig. 3). Applicant Admitted Prior Art discloses that italic characters are widely used for the purpose of displaying characters in an emphasized manner (Fig. 42-44 and Page 1-7).

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to utilize the bit map character representation as taught by Hitchcock into the device of Patent 161' because it would improve character positioning through the use of sub-pixel precision without formatting of existing documents (col. 4, lines 60-64). And it would also be obvious for utilizing the known method of displaying italic characters as disclosed in the AAPA into the combined device of Patent 161' and Hitchcock because it would allow users to actually see an improving emphasized display characters by the italic characters on the screen.

In reference to claim 2, Patent 161' claim 1 discloses intensity of the color elements is represented stepwise through a plurality of color element levels and each of the sub-pixels has one of the color element levels.

In reference to claims 3-4, the AAPA Fig. 42B shows the second bitmap is generated from the first bit map by shifting each dot forming the first bitmap by a shifting amount which is in proportion to a distance from a reference line running a predetermined direction set in the first bit map as claimed.

Claim 5 is method claim corresponding to the apparatus of claims 1-6 and therefore, rejected based on the same basis set forth in said claims.

In reference to claims 7 and 10, claim 32 of Patent 161' discloses displaying a character n the display device by independently controlling the color elements respectively corresponding to the sub-pixel.

Claim 8 is method claim corresponding to the apparatus of claim 3 and therefore, rejected based on the same basis set forth in said claim.

Claim 9 is method claim corresponding to the apparatus of claim 2 and therefore, rejected based on the same basis set forth in said claims.

#### *Response to Arguments*

3. Applicant's arguments with respect to claim 1-5 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DUC Q DINH** whose telephone number is **(703) 306-5412**. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached on **(703) 305-4709**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

**(703) 872-9306 (for Technology Center 2600 only)**

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,  
Arlington, Va Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Technology Center 2600 Customer Service Office whose telephone  
number is (703) 305-4700.

DUC Q DINH  
Examiner  
Art Unit 2674

  
REGINA LIANG  
PRIMARY EXAMINER

DQD  
June 25, 2004